

I.D. 06184818

File No. 3900-036

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

**J&J SPORTS PRODUCTIONS, INC.,)
Plaintiff,)
v.)
SILVESTRE ESPINOZA, indv. and d/b/a)
DE PASADA RESTAURANT and)
DE PASADA RESTAURANT,)
Defendants.)**

08 C 2572

PLAINTIFF'S MOTION FOR DEFAULT

NOW COME the Plaintiff, J&J SPORTS PRODUCTIONS, INC., by and through its attorneys, ZANE D. SMITH & ASSOCIATES, LTD., and respectfully requests that this Court enter an order of default judgment against Defendants, SILVESTRE ESPINOZA, indv. and d/b/a DE PASADA RESTAURANT and DE PASADA RESTAURANT, and in support thereof, states as follows:

1. On May 19, 2008 SILVESTRE ESPINOZA, indv. and d/b/a DE PASADA RESTAURANT and DE PASADA RESTAURANT were served with summons and complaint in this matter (*A copy of the Returns of Service are attached hereto as Exhibit "A"*).
2. As of the date of the filing of this motion, Defendants, SILVESTRE ESPINOZA, indv. and d/b/a DE PASADA RESTAURANT and DE PASADA RESTAURANT, have failed to file an appearance and/or answer in this matter.

WHEREFORE, Plaintiff, J&J SPORTS PRODUCTIONS, INC., pray this Honorable Court enter an order of default judgment against Defendant, SILVESTRE ESPINOZA, indv. and d/b/a DE PASADA RESTAURANT and DE PASADA RESTAURANT and set this matter for a prove up

against Defendant, SILVESTRE ESPINOZA, indv. and d/b/a DE PASADA RESTAURANT and DE PASADA RESTAURANT and for any additional relief this Court deems just.

s/Zane D. Smith

Zane D. Smith

CERTIFICATE OF SERVICE

I, Zane D. Smith, on oath state that a true and correct copy of the Notice of Filing was electronically filed with the Clerk of the Court on July 14, 2008, using the CM/ECF system which will send notification of such filing(s) to all attorneys of record. Under the penalties of perjury, I certify that the above statements set forth herein are true and correct.

//s/ Zane D. Smith

Zane D. Smith

Zane D. Smith
ZANE D. SMITH & ASSOCIATES, LTD.
415 North LaSalle Street - Suite 300
Chicago, Illinois 60610
(312) 245-0031
(312) 245-0022 - Fax

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

J&J SPORTS PRODUCTIONS, INC.

**Silvestre Espinoza, indv. and d/b/a De Pasada
 Restaurant and De Pasada Restaurant**

V.	CASE NUMBER:	08CV2572
	ASSIGNED JUDGE:	JUDGE KOCORAS
	DESIGNATED MAGISTRATE JUDGE:	MAGISTRATE JUDGE NOLAN

TO: (Name and address of Defendant)

**De Pasada Restaurant
 c/o Silvestre Espinoza
 1519 W. Taylor Street
 Chicago, Illinois 60607**

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

**Zane D. Smith & Associates, Ltd.
 415 N. LaSalle Street - Suite 300
 Chicago, Illinois 60610**

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**NOTE: When the print dialogue
 box appears, be sure to uncheck
 the Annotations option.**

Michael W. Dobbins, Clerk

Paula Harrison

(By) DEPUTY CLERK

May 6, 2008

Date



DE POSADA RESTAURANT

08CV 2572

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	5/19/08
NAME OF SERVER (PRINT) Kevin McWilliams	TITLE Process Server	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: 1517 W TAYLOR Chicago IL 60607 c/o Juan Espinosa Manager SON OF SILVESTRE Espinosa-owner		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>5/19/08</u> Date	<u>Kevin McWilliams</u> <small>Signature of Server</small>	
<u>4647 W. 103rd St., Oak Lawn, IL 60453</u> <small>Address of Server</small>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

J&J SPORTS PRODUCTIONS, INC.

CASE NUMBER:	08CV2572
ASSIGNED JUDGE:	JUDGE KOCORAS
DESIGNATED MAGISTRATE JUDGE:	MAGISTRATE JUDGE NOLAN

TO: (Name and address of Defendant)

Silvestre Espinoza
 1519 W. Taylor Street
 Chicago, Illinois 60607

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Zane D. Smith & Associates, Ltd.
 415 N. LaSalle Street - Suite 300
 Chicago, Illinois 60610

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NOTE: When the print dialogue box appears, be sure to uncheck the Annotations option.

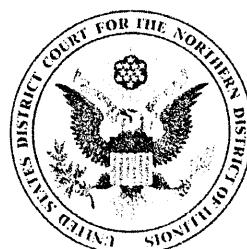
Michael W. Dobbins, Clerk

Paul W. Dobbins

 (By) DEPUTY CLERK

May 6, 2008

 Date



AO 440 (Rev. 8/01) Summons in a Civil Action

SILVESTER ESPINOZA
08CV2572

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (PRINT) Kevin McWilliams	TITLE Process Server	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: ✓ Other (specify): <i>c/o JUAN ESPINOZA - son of SILVESTER ESPINOZA</i>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on <u>5/19/08</u> <u><i>Kevin McWilliams</i></u> <small>Date</small> <small>Signature of Server</small>		
<u>4647 W. 103rd St., Oak Lawn, IL 60453</u> <small>Address of Server</small>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.